

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL ROY LEE,

Plaintiff,

v.

No. 20-cv-1048 RB-CG

FARMINGTON MAGISTRATE COURT, *et al.*,

Defendants.


ORDER OF DISMISSAL

This matter is before the Court following Mr. Lee's failure to prosecute his prisoner civil rights action and comply with Court orders. Mr. Lee filed the *pro se* Letter-Complaint on October 9, 2020. (Doc. 1.) He seeks relief under 42 U.S.C. § 1983 against the Farmington Magistrate Court and the San Juan County District Attorney's Office based on their handling of his state criminal case. On October 26, 2020, a mailing sent to Mr. Lee was returned undeliverable with the notation "Released." The Court entered an Order directing him to provide an updated mailing address and prepay the filing fee or, alternatively, file a motion to proceed *in forma pauperis*. (Doc. 3.) The Order warned that the failure to timely comply will result in dismissal of this case without further notice.

The deadline for Mr. Lee to update his mailing information and address the filing fee was November 30, 2020. He did not comply, and the Order to Cure was also returned as undeliverable. (Doc. 4.) Accordingly, the Court will dismiss this action without prejudice pursuant to Federal Rule of Civil Procedure 41(b). *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003) ("Rule 41(b) . . . has long been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the . . . court's orders.").

IT IS ORDERED that Mr. Lee's Letter Complaint (**Doc. 1**) is **DISMISSED** without prejudice; and the Court will enter a separate judgment closing the civil case.

IT IS SO ORDERED.



ROBERT C. BRACK
SENIOR U.S. DISTRICT JUDGE